

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

KAREN TESTERMAN
LYNN-DIANE BRIGGS
and WAYNE PAUL SAYA SR.,

Plaintiffs

v.

DAVID SCANLAN, SECRETARY OF STATE
FOR NEW HAMPSHIRE
and CHRIS AGER, NEW HAMPSHIRE
REPUBLICAN STATE COMMITTEE

Defendants

Case No. 1:23-cv-00499-JL-AJ

**DEFENDANTS CHRIS AGER AND NEW HAMPSHIRE REPUBLICAN STATE
COMMITTEES' PARTIALLY ASSENTED-TO MOTION FOR EXTENSION OF TIME
FOR ALL DEFENDANTS TO RESPOND TO PLAINTIFFS' AMENDED MOTIONS
FOR PRELIMINARY INJUNCTIVE RELIEF**

The defendants Chris Ager and the New Hampshire Republican State Committee (together, the “NHRSC”) move to extend the deadline to object to the plaintiffs’ amended motions for preliminary injunctive relief. The plaintiffs either did not assent to this motion or did not respond to counsel for the NHRSC. This motion rests on the following grounds.

On December 1, 2023, the plaintiff, Karen Testerman, filed an amended motion for preliminary injunctive relief. The NHRSC received a copy of the motion when it was added to the docket in ECF on December 5, 2023. *See* Doc. No. 20. The court granted the other two plaintiffs’ motions to amend the motion for preliminary injunctive relief and filed the amended motions on December 5, 2023, that were substantively identical to Mrs. Testerman’s. *See* Doc.

Nos. 21 and 22. Thereafter, all of the plaintiffs filed motions to amend their original joint complaint, and the defendants either assented to or did not object to the relief sought by the motions to amend. *See* Doc. Nos. 29, 30, 31, 32, 33, and 35. The court has not yet ruled on the motions to amend. Consequently, there are now pending motions for a preliminary injunction predicated on the claims in the original joint complaint, but the plaintiffs have made plain that they intend to replace their original complaint with amended versions.

The defendants timely filed motions to dismiss the original complaint (*see* Doc. Nos. 27 and 28), but the plaintiffs' motions to amend the complaint – if granted – will require the defendants to prepare and file new motions to dismiss. To avoid another such wasteful exercise, the NHRSC respectfully requests that the court extend the deadline for its and the New Hampshire Secretary of State's (the "Secretary") responses to the pending motions for preliminary injunction until fourteen days after the court rules on the motions to amend the complaint. This extension will also provide the plaintiffs with an opportunity to make any changes to their motions for preliminary injunction they deem warranted in light of the amended complaints. No hearing or conference will be continued as a result of the proposed extension.

Counsel for the NHRSC sought each parties' assent to the relief requested in this motion. The Secretary assented to the relief requested herein. The plaintiff, Wayne Saya, did not assent, and the other two plaintiffs, Mrs. Testerman and Lynn-Diane Briggs did not respond.

In accordance with the foregoing, the defendants NHRSC request that the court extend the time for its and the Secretary's responses to the pending amended motions for a preliminary injunction until fourteen days after the court rules on the motions to amend the complaint.

Respectfully submitted,

CHRIS AGER, NEW HAMPSHIRE
REPUBLICAN STATE COMMITTEE
By Their Attorneys,

Date: December 15, 2023

/s/ Jacob M. Rhodes
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CERTIFICATE OF SERVICE

I hereby certify that the within document is being served electronically through the court's electronic filing system upon counsel of record and all other parties who have entered electronic service contacts in this docket. In addition, the following parties have been served by email and U.S. Mail:

Karen Testerman (karen@karentesterman.com)
9 Stone Avenue
Franklin, NH 03235

Lynn-Diane Briggs (lynbdance@gmail.com)
4 Golden Pond Lane
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Date: December 15, 2023

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4867-4233-9477, v. 2